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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,648	07/16/2003	Michael Kramer	4/100	1482
7590 Abigail F. Cousins, Esq. 50 Ashton Road Yonkers, NY 10705		04/18/2007	EXAMINER WENDMAGEGN, GIRUMSEW	
			ART UNIT	PAPER NUMBER
			2621	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/620,648	KRAMER, MICHAEL	
	Examiner	Art Unit	
	Girumsew Wendmagegn	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim1-5, 7-10,16-18, and 20-22 is rejected under 35 U.S.C. 102(e) as being anticipated by Arora.(Pub. Number US 2004/0086263).

Regarding claim1 and 20, Arora anticipates a system for recording selected broadcasted audio and/or video content for later playback, comprising: a receiver for receiving, in a receiving process, a data stream that has been broadcast from a program source, the stream including a plurality of content items (see figure1 receiver); and a recorder, connected to receive the data stream from said receiver, for recording, in a recording process, at least one of the content items for later playback (see figure1 recorder 130) , wherein, for each content item recorded by said recorder, said recording process uses a content of that content item to identify that content item as part of the process of its recordation and stores a respective item identifier indicative of the respective content for that content item (see figure1 program table 145).

Regarding claim2, Arora anticipates the system of claim 1, wherein said recorder is recorder software installed in said system (see page2 paragraph 0015).

Regarding claim3, Arora anticipates the system of claim 2, further comprising hardware for playing back content items, wherein said recorder software is interposed between said receiver and said hardware (see page4 paragraph 0033).

Regarding claim4, the system of claim1, wherein any recorded content item is selectable for playback based upon its respective item identifier independently of any other recorded content item (see page2 paragraph 0019).

Regarding claim5 and 21, the system of claim1, wherein said recording process is independent of said receiving process (see page3 paragraph 0014).

Regarding claim7 and 22, a system for recording selected broadcasted audio and/or video content for later playback, comprising: a receiver for receiving, in a receiving process, a data stream that has been web cast from a server, the stream including a plurality of content items (see figure1 receiver and page1 paragraph 0002); and a recorder, connected to receive the data stream from said receiver, for recording, in a recording process independent of said receiving process, at least one of the content items for later playback(see figure1 recorder 130), wherein, for each content item recorded by said recorder, said recording process uses a content of that content item to identify that content item and stores a respective item identifier indicative of the respective content for that content item (see figure1 program table 145).

Regarding claim8, the system of claim 7, wherein any recorded content item is selectable for playback based upon its respective item identifier independently of any other recorded content item (see page2 paragraph 0019).

Regarding claim9, the system of claim 7, wherein said recorder is recorder software installed in said system (see page2 paragraph 0015).

Regarding claim10, the system of claim 9, further comprising hardware for playing back content items, wherein said recorder software is interposed between said receiver and said hardware (see page4 paragraph 0033).

Regarding claim16, the system of claim7, wherein said recorder uses timing information indicative of a duration of a desired content item to identify that content item in the data stream (see page2 paragraph 0018).

Regarding claim17, the system of claim7, wherein said recorder uses designation information designating selected ones of the content items in the data stream to record only those selected content items and to not record any other content items in the data stream (see page1 paragraph 0003 programs pre-selected by user).

Regarding claim18, the system of claim17, wherein the designation information is input to said apparatus by a user input (see page1 paragraph 0003 programs pre-selected by user).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim6, 11-15 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Arora (Pub. Number US 2004/0086263) as applied to claim Claim1-5, 7-10,16-18, and 20-22 above, and further in view of Janevski (Pub Number US 2003/0072560).

Regarding claim6, 11, and 19, see the teaching of Arora above. Arora does not teach template matching of the content of the content item to identify the content item. However Janevski teaches templates being used to identify content item (see page3 paragraph 0028).

One of ordinary skill in the art at the time the invention was made would have been motivated to matching content item with respective template as in Janevski in to Arora system because it would make searching and identifying recorded content effective.

Regarding claim12, see the teaching of Arora above. Arora does not teach template matching includes digital fingerprint content matching. However it is old and

well known in the art to include digital fingerprint content. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to digital fingerprint content matching in Arora system because it would be easier to identify the content easily.

Regarding claim13, see the teaching of Arora above. Arora does not teach recorder searches said buffer memory to match content items stored therein to said templates such that, if a stored content item matches one of said templates, that content item is identified and is recorded by said recorder. However Janevski teaches recorder searches said buffer memory to match content items stored therein to said templates such that, if a stored content item matches one of said templates, that content item is identified and is recorded by said recorder (see page3 paragraph 0028).

One of ordinary skill in the art at the time the invention was made would have been motivated to matching content item with respective template as in Janevski in to Arora system because it would make searching and identifying recorded content effective.

Regarding claim14 and 15 see the teaching of Arora above. Arora does not teach each content item matched to a respective template receives an item identifier corresponding to the respective template identifier. However Janevski teaches each

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content item matched to a respective template receives an item identifier corresponding to the respective template identifier (see page2 paragraph 0016).

One of ordinary skill in the art at the time the invention was made would have been motivated to matching content item with respective template as in Janevski in to Arora system because it would make searching and identifying recorded content effective.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

[Handwritten signature]
Thai Tran
Supervisory Patent Examiner
Supervisory Patent Examiner

Girumsew Wendmagegn